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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------------|
| 10/789,393 | 02/27/2004 | Shuji Yamashita | 15115/106001 | 4915 |
| 22511 | 7590 | 08/22/2007 | | |
| OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010 | | | EXAMINER LABBEES, EDNY | |
| | | | ART UNIT 2612 | PAPER NUMBER |
| | | | MAIL DATE 08/22/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,393

Applicant(s)

YAMASHITA ET AL.

Examiner

Edny Labbees

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status Of Claims

1. In the response filed 6/6/2007, no claims have been canceled and no new claims have been added. Therefore, claims 1, 3 and 4 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara.

Regarding Claim 1, Hara disclosed *Radio System* that has the following claimed limitations:

Claimed mobile unit carried by a driver is met by portable device (10) (See Fig. 1B, abstract); claimed vehicle unit mounted on a vehicle is met by stationary device (20) mounted on the motor vehicle (1) (See paras [0056]); claimed vehicle unit comprising a plurality of transmission antennas is met by a plurality of stationary-device side antennae located at different positions respectively (See paras [0015]); claimed mobile unit sequentially receives signals transmitted from at least one of the transmission

antennas to measure the reception intensities is met by the portable device (10) finding signals respectively containing different antenna identification codes that concurrently or sequentially emitted from either of antennae (24 & 25) and where the portable device (10) has a reception intensity measuring means (see paras [0059 0062 0072 007]).

Hara does not specifically **state** that the mobile unit transmits the information on those reception intensities all at once. Hara discloses that the portable device sends second signals representative of the reception intensity data of the first signals received from the antennas (24 & 25) of the stationary device back to the stationary device. Hara does not specifically disclose whether the signals were sent sequentially or concurrently from the portable device. However, Hara do disclose that signals from the antennas (24 & 25) of the stationary device (20) can be emitted sequentially or concurrently (see paras [0072]). As long as the system disclosed by the Hara performs its desired functionality of the having the stationary device determining the current position of the portable device using reception intensity data, one ordinary skilled artisan would readily recognize that, via routine experimentation, that the signals from the portable device (10) can also be emitted sequentially or concurrently. Furthermore, claimed vehicle unit executing, an arbitrary processing action according to the location of the mobile unit is met by the stationary device (20) executing a control process for realizing a predetermined operation of an object to be controlled (see paras [0031]). In addition, Hara discloses a system where in the door lock control mode, a predetermined electric power to be a wake-up signal is transmitted from the stationary device (20). When the portable device (10) is located within the remote-control communication range and it

receives the wake-up signal, the mode of the control circuit of the portable device (10) shifts from a sloop mode to a normal mode. A request signal that is subsequently transmitted from the stationary device (20) is received by the portable device (10). In turn, a step S2 is executed in which in response to the request signal, the portable device (10) processes under control of its control circuit and sends an answer signal containing a door lock control authentication code (locking/unlocking ID (See paras [0083])). Therefore, it would have been obvious to one of ordinary skill in the art to readily recognize that the locking/unlocking ID code is intrinsic to the portable device (10) since the portable device sends the unique code to perform the function of locking/unlocking the door.

Regarding Claim 3, claimed arbitrary processing action is an operation to locking of a door is met by the system of Hara where the controlled object includes a lock device for locking and unlocking the vehicle door and/or other devices (see paras [0032]). In addition, the locking/unlocking of the door is performed when the portable device (10) approaches either the driver seat side ($P_{\{D\}}$) or the assistant driver's seat side ($P_{\{A\}}$) (see Fig. 2 and paras [0074]).

Regarding Claim 4, claimed signals other than that transmitted at first are only used for the measurement of the reception intensities of said mobile unit is met by the portable device finding answer signal representative of the reception signal to the stationary device (20). The signals transmitted at first are the wake-up signal and not the ones used to measure the reception intensities (see Fig. 1B). In addition, Hara discloses a system where the cabin antennae (24 and 25) are used for the wake-up

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signal transmission (power transmission) and the normal signal transmission/reception (wireless communication by using the communication frequency already referred to). If required, an antenna exclusively used for the normal signal transmission/reception and another antenna exclusively used for the power transmission may be used separately (see paras [0066]). One of ordinary skill in the art would readily recognize to use different antennas to perform the function transmitting the wake signal and the function of measuring the reception intensities.

Response to Arguments

4. In the response filed 6/6/2007, applicant presents the following arguments:

1) In regards to the amended claims 1 and 4, applicant argues that Hara fails to disclose, teach or suggest the limitation *a response signal including an ID portion for storing intrinsic identification information of the mobile unit...* In addition applicant argues that the claimed invention requires that the mobile unit transmit reception intensity information all at once and not transmitting multiple signals concurrently as taught by Hara. Also applicant argues that the Hara neither shows, nor suggests, transmitting signals all at once at alternate frequencies.

5. RESPONSE

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2) In regards to the arguments corresponding to the amended claims 1 and 4, With regards to the newly added limitation; see rejection to claim 1 above. Furthermore, broadly interpreted concurrently means operating or occurring at the same time and is reasonably to interpreted as transmitting the signals all at once. In addition, applicant does not claim transmitting the signals at alternate frequencies. Therefore, the argument to claims 1, 3 and 4 are not persuasive and the rejection to claims 1, 3 and 4 stands.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juzswik, *System And Method For Automatic Function...* (US 6,801,134)

Stippler, *AntiTheft Device For A Motor Vehicle And Method...* (US 6,218,932)

Zintler, *Locking Device For A Motor Vehicle Having A Number...*(US 6,563,416)

Chandebois, *Method And Device For Automatically Locking...* (US 6,853,296)

Amano, *Keyless Entry System*, (US 5,835,022)

Okada, *Vehicle Automatic Door-Locking System Using...* (US 6,476,517)

Kumano, *Keyless Entry System For Vehicle* (US 6,621,406)

Rohri, *Access Control Device For A Motor Vehicle And Method...* (US 6,556,125)

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7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

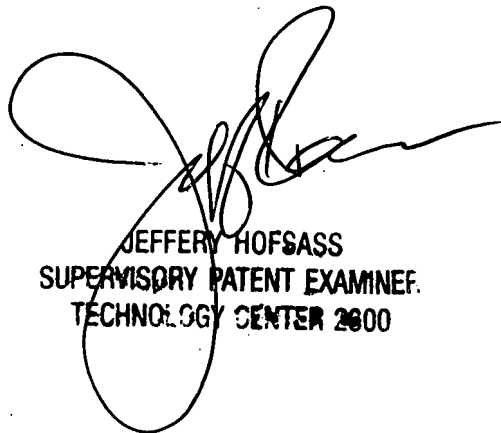
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees
8/9/2007



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